



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 6932-99  
20 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted the Marine Corps Reserve on 13 July 1963 for six years at age 19. At the time of your enlistment, you signed a statement of understanding that you would be a member of the Ready Reserve throughout your six year enlistment period and would be ordered to active duty for a period of training for six months.

You were ordered to active duty for training on 4 August 1963 and were honorably released and transferred to the Marine Corps Reserve on 18 January 1964. You were advanced to LCPL (E-3) and served without incident until 31 January 1967 when you received nonjudicial punishment (NJP) for a four hour period of unauthorized absence. Punishment imposed was five days of restriction and extra duty.

You served without further incident until 18 May 1968 when you received a second NJP for several uniform violations. Punishment imposed was a reduction in rank to PFC (E-2). The following day,

you received an official reprimand at NJP for failure to obey a lawful order and absence from a muster.

Your individual drill attendance card shows that during the months of April and May 1968 you accumulated five unexcused absences from drill. On 19 May 1968, a page 11 entry in record states: "Failed to participate satisfactorily, reduced to PVT (E-1)." A page 11 entry on 20 May 1968 stated that you were a habitual offender and that numerous occasions of tardiness at muster and slovenly appearance had been handled with verbal warnings and admonitions which were not recorded in the record. The entry further stated that every effort had been made to rehabilitate you but you continued to be an unsatisfactory Marine. You had assumed an attitude that since you were to be transferred to Class III in June 1968, you no longer needed to participate even to a minimal extent. The record reflects that on this same date you were transferred to category "I" by reason of satisfactory completion of five years of service. You received a general discharge at the expiration of your enlistment on 12 July 1969.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were both 3.7, respectively. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization of service at the time of your discharge.

In its review of your application the Board conducted a careful search of your service record for any mitigating factors which might warrant a recharacterization of your general discharge and restoration of your rank to LCPL. However, no justification could be found for a change in your discharge or restoration in rank. The Board noted your contention that you were improperly reduced in rank. However, your contention is neither supported by the evidence of record nor by any evidence submitted in support of your application. Further, the Board, has no way of verifying the veracity of your statement. The Board concluded that there was insufficient basis to recharacterize your discharge given your record of three NJPs and failure to receive the required average in conduct. Absent evidence to contrary, a presumption exists that the action to reduce you in rank was appropriate and proper. The Board thus concluded there was no basis for restoring you to LCPL, the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the

Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

# BCNRTS Update Sheet

Docket No. **06932-99**

Recon **NO**

Section **DRS**

Ck-in Date **DEC 21 1999**

Previous Docket

Case Categories **36**

Special Category

Navy/Marine **M**

Enlisted/Officer **E**

Active **N**

Name

**Woodall, James B.**

Suffix

Record Rank Abv **Pvt**

Branch/Status **6 -USMC**

SSN **571-56-2564**

Service No. **2063958**

Oral Hearing Requested **NO**

Congrint **N**

Deceased **N**

Counsel Type: **No Counsel, Self represented**

DATE Updated BCNRTS

**7 FEB 2000**

Examiner Assigned *EJP*

Admin Closeout ☐

Date Assigned *2/7/2000*

DATE Updated BCNRTS

Examiner Changed \_\_\_\_\_

Date Changed \_\_\_\_\_

DATE Updated BCNRTS

Examiner Changed \_\_\_\_\_

Date Changed \_\_\_\_\_

SECNAV Send Date \_\_\_\_\_

SECNAV Return Date \_\_\_\_\_

SECNAV Action \_\_\_\_\_

(A=Approved D=Deny R=Return for Recon)

## PERFORMANCE SECTION ONLY

Selection Board Date \_\_\_\_\_

Selection Board Name \_\_\_\_\_

Date Updated BCNRTS \_\_\_\_\_

Implementation Date

Section Check-Out Date \_\_\_\_\_

BCNR Close-Out Date \_\_\_\_\_